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EXAMINER

GREENE, DANIEL L

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 04/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/371,462

Applicant(s)

AHMAD ET AL.

Examiner

Daniel L. Greene

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments, see Remarks, filed 2/14/2005, with respect to the rejection(s) of claim(s) 1, 10, 19, and 26 under Sitrick'825, Ginter'193, Leeke' and Yoda have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Latypov et al., U.S. Patent 6,005,548 [Latypov].

The Applicant has amended claims 1, 10, 19, and 26 by adding the word "dynamically" as in: dynamically displaying the image of the user combined with the selected subset of the vision-enabled content in a real-time interaction with a virtual environment'. The Applicant further submits that "... Yoda (U.S. Patent No. 5,515,268) does not teach or suggest, either individually or in combination, dynamically displaying an image of a user combined with a selected subset of vision-enabled content in a real-time interaction with a virtual environment and offering an opportunity to purchase an object during the real-time interaction between the virtual environment and the image of the user combined with the selected subset of vision-enabled content. Instead, the references are directed toward static displays. Therefore, claim 1 is believed to be allowable."

The Examiner submits that when the subject matter is not in the specification portion of the application as filed but is in the claims, the limitation in and of itself may enable one skilled in the art to make and use the claim containing the limitation. When claimed subject matter is only presented in the claims and not in the specification

Art Unit: 3621

portion of the application, the specification should be objected to for lacking the requisite support for the claimed subject matter using **Form Paragraph 7.44. See MPEP § 2163.06**. This is an objection to the specification only and enablement issues should be treated separately. The Applicant has amended the independent claims by adding the term "dynamically". It is respectfully requested that the Applicant detail the page and paragraph that the concept of dynamically displaying is taught.

Further, the reference, Yoda, specifically teaches about changing and moving the body images in real time. Col. 5, lines 20-25 and lines 54-58. The Examiner to address the "dynamics" of the presentation, introduces the new art, Latypov, to demonstrate that the art of incorporating actual real-time people's movements into virtual space is old and well known.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 8-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,425,825 B1-Sitrick [Sitrick'825], US 6,253,193 B1-Ginter et al. [Ginter'193], Leeke et al. U.S. Patent 6,587,127 [Leeke], Yoda U.S. Patent 5,515,268A [Yoda], and further in view of Latypov et al., U.S. Patent 6,005,548 [Latypov].

As per claim 1:

Sitrick'825 discloses:

encoding content for conversion into vision-enabled content. See at least Col. 3, lines 25-67.

providing a program to decode the vision-enabled content; see at least Col. 3, lines 26-40.

receiving a video image comprising a person image of a user; see at least Col. 16, lines 26-40.

extracting the person image portion of the received video image; see at least Col. 21, lines 5-23.

recognizing an identity of the user based on said person image of the user by matching the person image of the user with an image stored in a user image database; See at least Col. 26, lines 53-60.

selecting a subset of the vision-enabled content based on the identity of the user as recognized by matching the person image of the user with an image stored in a user image database; See at least Col. 31, lines 9-16.

sending the selected subset of the vision-enabled content to the user over a network, wherein the program decodes the selected subset of the vision-enabled content and combines the image of the user with the selected subset of the vision-enabled content. See at least Col. 31, lines 9-16.

Sitrick'825 discloses the claimed invention except for the receiving payment for encoding the content. However, Sitrick'825 does disclose charging a fee for services rendered and availability of services for purchase/license. See at least Col. 12, lines 40-62. Ginter'193 teaches that it is known to receive payment for encoding content. It would have been obvious to one having ordinary skill in the art at the time the invention was made to receive payment for encoding the content as taught by Ginter'193, since Ginter'193 states in at least Col. 8, lines 23-40 that such a modification is well known in the art for a commercial value chain that provides for the distribution, usage control, and usage payment.

Sitrick'825 discloses the claimed invention except for providing a plug-in program. Leeke teaches that it is known in the art to provide a plug-in program to access an applet to provide the executable program for presenting to the recipient the data format required by prior established specifications. Col. 4, lines 50-67. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the vision-enabled content of Sitrick'825 with the content player system of Leeke, in order to market the Sitrick'825 system to a broader market over the Internet to increase sales.

Sitrick'825 discloses the claimed invention except for determining at a web site, whether the vision-enabled content or standard content should be sent using the applet and based on the plug-in program. Leeke teaches that it is known in the art to provide a web site that can determine whether the vision-enabled content or standard content should be sent using the applet and based on the plug-in program. It would have been

Art Unit: 3621

an obvious matter of design choice to modify the teachings of Leeke, to provide the step of determining at a web site, whether the vision-enabled content or standard content should be sent using the applet and based on the plug-in program. Since the applicant has not disclosed that determining at a web site, whether the vision-enabled content or standard content should be sent using the applet and based on the plug-in program solves any stated problem in a new or unexpected way or is for any particular purpose which is unobvious to one of ordinary skill and it appears that the claimed feature does not distinguish the invention over similar features in the prior art since, the teachings of Leeke will perform the invention as claimed by the applicant with any means, method, or product to determining at a web site, whether the vision-enabled content or standard content should be sent using the applet and based on the plug-in program.

Sitrick'825 discloses the claimed invention except for the receiving at the plug-in program an applet that provides a program presenting a video image of a person.

Leeke teaches that it is known in the art to provide a plug-in that accesses an applet that will provide a program presenting enhanced data to the recipient, It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the vision-enabled content of Sitrick'825 with the content player system of Leeke, in order to market the Sitrick'825 system to a broader market over the Internet to increase sales.

Sitrick'825 discloses the claimed invention except for the dynamically displaying the image of the user combined with the selected subset of the vision-enabled content in a real-time interaction with a virtual environment: and

Art Unit: 3621

offering an opportunity to purchase an object during the real-time interaction between the virtual environment and the image of the user combined with the selected subset of the vision-enabled content.

Yoda teaches that it is known in the art to provide a displaying the image of the user combined with the selected subset of the vision-enabled content in a real-time interaction with a virtual environment: Col. 5, lines 20-25 and lines 53-58 and

offering an opportunity to purchase an object during the real-time interaction between the virtual environment and the image of the user combined with the selected subset of the vision-enabled content. Col. 5, lines 20-25 and lines 53-58

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the vision-enabled content Of Sitrick'825 with the displaying the image of the user combined with the selected subset of the vision-enabled content in a real-time interaction with a virtual environment: and

offering an opportunity to purchase an object during the real-time interaction between the virtual environment and the image of the user combined with the selected subset of the vision-enabled content, of Yoda, in order to expand the use and marketability of the system.

Yoda specifically teaches about changing and moving the body images in real time. Col. 5, lines 20-25 and lines 54-58. The Examiner to address the "dynamics" of the presentation, introduces the new art, Latypov, to demonstrate that the art of incorporating actual real-time people's movements into virtual space is old and well known. Abstract.

As per claim 2:

Sitrick'825 further discloses:

wherein the encoding of the content is performed via tools, See at least Col. 31, lines 18-55.

Sitrick'825 discloses the claimed invention except for the payment being received in exchange for the use of tools. However, Sitrick'825 does disclose charging a fee for services rendered and availability of services for purchase/license. **Col. 12, lines 40-62.** Ginter'193 teaches that it is known to receive payment in exchange for use of tools. It would have been obvious to one having ordinary skill in the art at the time the invention was made to receive payment in exchange for the use of tools as taught by Ginter'193, since Ginter'193 states in at least Col. 8, lines 23-40 that such a modification is well known in the art for a commercial value chain that provides for the distribution, usage control, and usage payment.

As per claim 3:

Sitrick'825 further discloses the claimed invention except for providing an upgrade for the program, a payment being received in exchange for the upgrade. However, Sitrick'825 does disclose charging a fee for services rendered and availability of services for purchase/license. **Col. 12, lines 40-62.** Ginter'193 teaches that it is known to receive payment in providing an upgrade for the program, the payment being received in exchange for the upgrade. It would have been obvious to one having ordinary skill in the art at the time the invention was made to receive payment in

Art Unit: 3621

providing an upgrade for the program, the payment being received in exchange for the upgrade as taught by Ginter'193, since Ginter'193 states in at least Col. 8, lines 23-40 that such a modification is well known in the art for a commercial value chain that provides for the distribution, usage control, and usage payment.

As per claim 4:

Sitrick'825 further discloses the claimed invention except for receiving payment based on an amount of users receiving the vision-enabled content. However, Sitrick'825 does disclose charging a fee for services rendered and availability of services for purchase/license. **Col. 12, lines 40-62.** Ginter'193 teaches that it is known to receive payment based on an amount of users receiving the vision-enabled content. It would have been obvious to one having ordinary skill in the art at the time the invention was made to receive payment receiving payment based on an amount of users receiving the vision-enabled content as taught by Ginter'193, since Ginter'193 states in at least Col. 285, lines 40-67, Col. 286, lines 1-33, that such a modification is well known in the art for a commercial value chain that provides for the distribution, usage control, and usage payment.

As per claim 5:

Sitrick'825 further discloses the claimed invention except for receiving payment based on a quantity of vision-enabled content sent. However, Sitrick'825 does disclose charging a fee for services rendered and availability of services for purchase/license.

Art Unit: 3621

Col. 12, lines 40-62. Ginter'193 teaches that it is known to receive payment based on a quantity of vision-enabled content sent. It would have been obvious to one having ordinary skill in the art at the time the invention was made to receive payment based on a quantity of vision-enabled content as taught by Ginter'193, since Ginter'193 states in at least Col. 8, lines 23-40 that such a modification is well known in the art for a commercial value chain that provides for the distribution, usage control, and usage payment.

As per claim 6:

Sitrick'825 further discloses;

wherein the vision-enabled content includes at least one of advertising content, entertainment content, and education content. See at least Col. 35, lines 42-55.

As per claim 8:

Sitrick'825 discloses the claimed invention, as discussed above, except for the step of associating the user with a group and selecting the selected subset of vision-enabled content based on the association of the user with the group. However, Sitrick'825 does disclose expanding beyond associative replacement predefined character images. See at least Col 13, lines 30-40.

It would have been an obvious matter of design choice to modify the teachings of Sitrick'825, to provide the step of associating the user with a group and selecting the selected subset of vision-enabled content based on the association of the user with the

Art Unit: 3621

group. Since the applicant has not disclosed that associating the user with a group and selecting the selected subset of vision-enabled content based on the association of the user with the group solves any stated problem in a new or unexpected way or is for any particular purpose which is unobvious to one of ordinary skill and it appears that the claimed feature does not distinguish the invention over similar features in the prior art since, the teachings of Sitrick'825 will perform the invention as claimed by the applicant with any method, means, or product to associating the user with a group and selecting the selected subset of vision-enabled content based on the association of the user with the group.

As per claim 9:

Sitrick'825 further discloses collecting statistical data. See for example Col. 31, lines 18-60.

As per claim 10:

Sitrick'825 discloses:

encoding content for conversion into vision-enabled content. See at least Col. 3, lines 25-67.

providing a program to decode the vision-enabled content; see at least Col. 4, lines 1-35.

sending the vision-enabled content to a user over a network, wherein the program_ decodes the vision-enabled content.; See at least Col. 13, lines 55-61.

receives a series of video images, each image comprising a person image of the user; See at least Col. 13, lines 1-61

extracts from each video image the associated person image of the user to create a series of person images; See at least Col. 13, lines 1-61

processes the series of person images to detect a movement by said user; and controls the vision-enabled content based on said movement. See at least Col. 13, lines 1-61

Sitrick'825 discloses the claimed invention except for the receiving payment for encoding the content. However, Sitrick'825 does disclose charging a fee for services rendered and availability of services for purchase/license. See at least **Col. 12, lines 40-62**. Ginter'193 teaches that it is known to receive payment for encoding content. It would have been obvious to one having ordinary skill in the art at the time the invention was made to receive payment for encoding the content as taught by Ginter'193, since Ginter'193 states in at least Col. 8, lines 23-40 that such a modification is well known in the art for a commercial value chain that provides for the distribution, usage control, and usage payment.

Sitrick'825 discloses the claimed invention except for providing a plug-in program. Leeke teaches that it is known in the art to provide a plug-in program to access an applet to provide the executable program for presenting to the recipient the data format required by prior established specifications. Col. 4, lines 50-67. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the vision-enabled content of Sitrick'825 with the content player system

Art Unit: 3621

of Leeke, in order to market the Sitrick'825 system to a broader market over the Internet to increase sales.

Sitrick'825 discloses the claimed invention except for determining at a web site, whether the vision-enabled content or standard content should be sent using the applet and based on the plug-in program. Leeke teaches that it is known in the art to provide a web site that can determine whether the vision-enabled content or standard content should be sent using the applet and based on the plug-in program. It would have been an obvious matter of design choice to modify the teachings of Leeke, to provide the step of determining at a web site, whether the vision-enabled content or standard content should be sent using the applet and based on the plug-in program. Since the applicant has not disclosed that determining at a web site, whether the vision-enabled content or standard content should be sent using the applet and based on the plug-in program solves any stated problem in a new or unexpected way or is for any particular purpose which is unobvious to one of ordinary skill and it appears that the claimed feature does not distinguish the invention over similar features in the prior art since, the teachings of Leeke will perform the invention as claimed by the applicant with any means, method, or product to determining at a web site, whether the vision-enabled content or standard content should be sent using the applet and based on the plug-in program.

Sitrick'825 discloses the claimed invention except for the receiving at the plug-in program an applet that provides a program presenting a video image of a person. Leeke teaches that it is known in the art to provide a plug-in that accesses an applet that will provide a program presenting enhanced data to the recipient, It would have

Art Unit: 3621

been obvious to one having ordinary skill in the art at the time the invention was made to provide the vision-enabled content of Sitrick'825 with the content player system of Leeke, in order to market the Sitrick'825 system to a broader market over the Internet to increase sales.

Sitrick'825 discloses the claimed invention except for controls the vision-enabled content dynamically based on said movement and dynamically displaying the movement of the user and the vision-enabled content in a real-time interaction with a virtual environment: and

offering an opportunity to purchase an object during the real-time interaction between the virtual environment and the image of the user combined with the selected subset of the vision-enabled content.

Yoda teaches that it is known in the art to provide a displaying the movement of the user and the vision-enabled content in a real-time interaction with a virtual environment: Col. 5, lines 20-25 and lines 53-58 and

offering an opportunity to purchase an object during the real-time interaction between the virtual environment and the movement of the user and the vision-enabled content. Col. 5, lines 20-25 and lines 53-58

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the vision-enabled content Of Sitrick'825 with the displaying the movement of the user and the vision-enabled content in a real-time interaction with a virtual environment: and

Art Unit: 3621

offering an opportunity to purchase an object during the real-time interaction between the virtual environment and the movement of the user and the vision-enabled content

Yoda specifically teaches about changing and moving the body images in real time. Col. 5, lines 20-25 and lines 54-58. The Examiner to address the “dynamics” of the presentation, introduces the new art, Latypov, to demonstrate that the art of incorporating actual real-time people’s movements into virtual space is old and well known. Abstract.

As per claim 11:

Sitrick’825 further discloses;

wherein the encoding of the content is performed via tools, See at least Col. 31, lines 18-55.

Sitrick’825 discloses the claimed invention except for the payment being received in exchange for the use of tools. However, Sitrick’825 does disclose charging a fee for services rendered and availability of services for purchase/license. **Col. 12, lines 40-62.** Ginter’193 teaches that it is known to receive payment in exchange for use of tools. It would have been obvious to one having ordinary skill in the art at the time the invention was made to receive payment in exchange for the use of tools as taught by Ginter’193, since Ginter’193 states in at least Col. 8, lines 23-40 that such a modification is well known in the art for a commercial value chain that provides for the distribution, usage control, and usage payment.

As per claim 12:

Sitrick'825 further discloses the claimed invention except for providing an upgrade for the program, a payment being received in exchange for the upgrade. However, Sitrick'825 does disclose charging a fee for services rendered and availability of services for purchase/license. **Col. 12, lines 40-62.** Ginter'193 teaches that it is known to receive payment in providing an upgrade for the program, the payment being received in exchange for the upgrade. It would have been obvious to one having ordinary skill in the art at the time the invention was made to receive payment in providing an upgrade for the program, the payment being received in exchange for the upgrade as taught by Ginter'193, since Ginter'193 states in at least Col. 8, lines 23-40 that such a modification is well known in the art for a commercial value chain that provides for the distribution, usage control, and usage payment.

As per claim 13:

Sitrick'825 further discloses the claimed invention except for receiving payment based on an amount of users receiving the vision-enabled content. However, Sitrick'825 does disclose charging a fee for services rendered and availability of services for purchase/license. **Col. 12, lines 40-62.** Ginter'193 teaches that it is known to receive payment based on an amount of users receiving the vision-enabled content. It would have been obvious to one having ordinary skill in the art at the time the invention was

Art Unit: 3621

made to receive payment receiving payment based on an amount of users receiving the vision-enabled content as taught by Ginter'193, since Ginter'193 states in at least Col. 285, lines 40-67, Col. 286, lines 1-33, that such a modification is well known in the art for a commercial value chain that provides for the distribution, usage control, and usage payment.

As per claim 14:

Sitrick'825 further discloses the claimed invention except for receiving payment based on a quantity of vision-enabled content sent. However, Sitrick'825 does disclose charging a fee for services rendered and availability of services for purchase/license.

Col. 12, lines 40-62. Ginter'193 teaches that it is known to receive payment based on a quantity of vision-enabled content sent. It would have been obvious to one having ordinary skill in the art at the time the invention was made to receive payment based on a quantity of vision-enabled content as taught by Ginter'193, since Ginter'193 states in at least Col. 8, lines 23-40 that such a modification is well known in the art for a commercial value chain that provides for the distribution, usage control, and usage payment.

As per claim 15:

Sitrick'825 further discloses;

wherein the vision-enabled content includes at least one of advertising content, entertainment content, and education content. See at least Col. 35, lines 42-55.

As per claim 16:

Sitrick'825 further discloses;

recognizing an identity of the user and selecting vision-enabled content being based on the identity of the user, the selected vision enabled content being sent to the user. See at least Col. 35, lines 55-67, Col. 36, lines 1-20.

As per claim 17:

Sitrick'825 discloses the claimed invention, as discussed above, except for the step of associating the user with a group and selecting the selected subset of vision-enabled content based on the association of the user with the group. However, Sitrick'825 does disclose expanding beyond associative replacement predefined character images. See at least Col 13, lines 30-40.

It would have been an obvious matter of design choice to modify the teachings of Sitrick'825, to provide the step of associating the user with a group and selecting the selected subset of vision-enabled content based on the association of the user with the group.

Since the applicant has not disclosed that associating the user with a group and selecting the selected subset of vision-enabled content based on the association of the user with the group solves any stated problem in a new or unexpected way or is for any particular purpose which is unobvious to one of ordinary skill and it appears that the claimed feature does not distinguish the invention over similar features in the prior art since, the teachings of Sitrick'825 will perform the invention as claimed by the applicant

Art Unit: 3621

with any method, means, or product to associating the user with a group and selecting the selected subset of vision-enabled content based on the association of the user with the group.

As per claim 18:

Sitrick'825 further discloses collecting statistical data. See for example Col. 31, lines 18-60.

As per claim 19:

Sitrick'825 discloses:

encoding content for conversion into vision-enabled content; see at least Col. 3, lines 25-67.

providing a program to decode the vision-enabled content; see at least Col. 3, lines 26-40.

receiving a video image comprising a person image of a user; see at least Col. 16, lines 26-40

recognizing an identity of the user based on said person image of the user by matching the person image of the user with an image stored in a user image database; See at least Col. 26, lines 53-60.

selecting a subset of the vision-enabled content based on the identity of the user as recognized by matching the person image of the user with an image stored in a user image database; See at least Col. 31, lines 9-16.

Art Unit: 3621

sending the selected subset of the vision-enabled content to the user over a network, wherein the program decodes the selected subset of the vision-enabled content. See at least Col. 31, lines 9-16.

Sitrick'825 discloses the claimed invention except for providing a plug-in program. Leeke teaches that it is known in the art to provide a plug-in program to access an applet to provide the executable program for presenting to the recipient the data format required by prior established specifications. Col. 4, lines 50-67. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the vision-enabled content of Sitrick'825 with the content player system of Leeke, in order to market the Sitrick'825 system to a broader market over the Internet to increase sales.

Sitrick'825 discloses the claimed invention except for determining at a web site, whether the vision-enabled content or standard content should be sent using the applet and based on the plug-in program. Leeke teaches that it is known in the art to provide a web site that can determine whether the vision-enabled content or standard content should be sent using the applet and based on the plug-in program. It would have been an obvious matter of design choice to modify the teachings of Leeke, to provide the step of determining at a web site, whether the vision-enabled content or standard content should be sent using the applet and based on the plug-in program. Since the applicant has not disclosed that determining at a web site, whether the vision-enabled content or standard content should be sent using the applet and based on the plug-in program solves any stated problem in a new or unexpected way or is for any particular purpose

Art Unit: 3621

which is unobvious to one of ordinary skill and it appears that the claimed feature does not distinguish the invention over similar features in the prior art since, the teachings of Leeke will perform the invention as claimed by the applicant with any means, method, or product to determining at a web site, whether the vision-enabled content or standard content should be sent using the applet and based on the plug-in program.

Sitrick'825 discloses the claimed invention except for the receiving at the plug-in program an applet that provides a program presenting a video image of a person. Leeke teaches that it is known in the art to provide a plug-in that accesses an applet that will provide a program presenting enhanced data to the recipient, It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the vision-enabled content of Sitrick'825 with the content player system of Leeke, in order to market the Sitrick'825 system to a broader market over the Internet to increase sales.

Sitrick'825 discloses the claimed invention except for the dynamically displaying the image of the user combined with the selected subset of the vision-enabled content in a real-time interaction with a virtual environment: and

offering an opportunity to purchase an object during the real-time interaction between the virtual environment and the image of the user combined with the selected subset of the vision-enabled content.

Yoda teaches that it is known in the art to provide a displaying the image of the user combined with the selected subset of the vision-enabled content in a real-time interaction with a virtual environment: Col. 5, lines 20-25 and lines 53-58 and

offering an opportunity to purchase an object during the real-time interaction between the virtual environment and the image of the user combined with the selected subset of the vision-enabled content. Col. 5, lines 20-25 and lines 53-58

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the vision-enabled content Of Sitrick'825 with the displaying the image of the user combined with the selected subset of the vision-enabled content in a real-time interaction with a virtual environment: and

offering an opportunity to purchase an object during the real-time interaction between the virtual environment and the image of the user combined with the selected subset of the vision-enabled content

Yoda specifically teaches about changing and moving the body images in real time. Col. 5, lines 20-25 and lines 54-58. The Examiner to address the "dynamics" of the presentation, introduces the new art, Latypov, to demonstrate that the art of incorporating actual real-time people's movements into virtual space is old and well known. Abstract.

As per claim 20:

Sitrick'825 further discloses the claimed invention except for receiving payment based on an amount of users receiving the vision-enabled content. However, Sitrick'825 does disclose charging a fee for services rendered and availability of services for purchase/license. **Col. 12, lines 40-62.** Ginter'193 teaches that it is known to receive payment based on an amount of users receiving the vision-enabled content. It would

Art Unit: 3621

have been obvious to one having ordinary skill in the art at the time the invention was made to receive payment receiving payment based on an amount of users receiving the vision-enabled content as taught by Ginter'193, since Ginter'193 states in at least Col. 285, lines 40-67, Col. 286, lines 1-33, that such a modification is well known in the art for a commercial value chain that provides for the distribution, usage control, and usage payment.

As per claim 21:

Sitrick'825 discloses the claimed invention except for receiving payment from the user in exchange for the program. However, Sitrick'825 does disclose charging a fee for services rendered and availability of services for purchase/license. **Col. 12, lines 40-62.** Ginter'193 teaches that it is known to receive payment from the user in exchange for the program. It would have been obvious to one having ordinary skill in the art at the time the invention was made to receive payment from the user in exchange for the program as taught by Ginter'193, since Ginter'193 states in at least Col. 8, lines 23-40 that such a modification is well known in the art for a commercial value chain that provides for the distribution, usage control, and usage payment.

As per claim 22:

Sitrick'825 further discloses;

storing the vision-enabled content See at least Col. 15, lines 36-67, Col. 16, lines 1-40.

Sitrick'825 discloses the claimed invention except for receiving payment for storing the vision-enabled content. However, Sitrick'825 does disclose charging a fee for services rendered and availability of services for purchase/license. See at least Col. 12, lines 40-62. Ginter'193 teaches that it is known to receiving payment for storing the vision-enabled content.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to receiving payment for storing the vision-enabled content as taught by Ginter'193, since Ginter'193 states in at least Col. 8, lines 23-40 that such a modification is well known in the art for a commercial value chain that provides for the distribution, usage control, and usage payment.

As per claim 23:

Sitrick'825 further discloses the claimed invention except for receiving payment based on a quantity of vision-enabled content sent. However, Sitrick'825 does disclose charging a fee for services rendered and availability of services for purchase/license. **Col. 12, lines 40-62.** Ginter'193 teaches that it is known to receive payment based on a quantity of vision-enabled content sent. It would have been obvious to one having ordinary skill in the art at the time the invention was made to receive payment based on a quantity of vision-enabled content as taught by Ginter'193, since Ginter'193 states in at least Col. 8, lines 23-40 that such a modification is well known in the art for a commercial value chain that provides for the distribution, usage control, and usage payment.

As per claim 24:

Sitrick'825 further discloses collecting statistical data. See for example Col. 31, lines 18-60.

As per claim 25:

Sitrick'825 further discloses the claimed invention except for receiving payment in exchange for access to the statistics. However, Sitrick'825 does disclose charging a fee for services rendered and availability of services for purchase/license. **Col. 12, lines 40-62.** Ginter'193 teaches that it is known to receive payment in exchange for access to the statistics.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to receive payment in exchange for access to the statistics as taught by Ginter'193, since Ginter'193 states in at least Col. 8, lines 23-40 that such a modification is well known in the art for a commercial value chain that provides for the distribution, usage control, and usage payment.

As per claim 26:

Sitrick'825 discloses;

sending content to a user over a network; see at least Col. 15, lines 63-67, Col. 16, lines 1-8.

receiving a series of images of the user; see at least Col. 16, lines 26-40.

Art Unit: 3621

recognizing a person image of the user in at least two images comprising the series of images; see at least Col. 26, lines 53-60.

controlling the content based on the person image by detecting an action by the user based on changes in the person image between the at least two images; and outputting the content. See at least Col. 21, lines 3-23.

Sitrick'825 discloses the claimed invention except for the use of a plug-in that plugs into a larger application (applet) to provide added functionality (controlling the content based on the person image by detecting an action by the user based on changes in the person image between the at least two images; and outputting the content). Leeke teaches that it is known in the art to provide a plug-in that plugs into a larger application (applet) to provide added functionality (controlling the content based on the person image by detecting an action by the user based on changes in the person image between the at least two images; and outputting the content). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the vision-enabled content of Sitrick'825 with the content player system of Leeke, in order to market the Sitrick'825 system to a broader market over the Internet to increase sales.

Sitrick'825 discloses the claimed invention except for dynamically displaying the image of the user combined with the content in a real-time interaction with a virtual environment: and

offering an opportunity to purchase an object during the real-time interaction between the virtual environment and the image of the user combined with the selected subset of the vision-enabled content.

Yoda teaches that it is known in the art to provide a displaying the image of the user combined with the content in a real-time interaction with a virtual environment: and

offering an opportunity to purchase an object during the real-time interaction between the virtual environment and the image of the user combined with the selected subset of the vision-enabled content. Col. 5, lines 20-25 and lines 53-58

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the vision-enabled content Of Sitrick'825 with the displaying the image of the user combined with the content in a real-time interaction with a virtual environment: and

offering an opportunity to purchase an object during the real-time interaction between the virtual environment and the image of the user combined with the selected subset of the vision-enabled content

Yoda, specifically teaches about changing and moving the body images in real time. Col. 5, lines 20-25 and lines 54-58. The Examiner to address the "dynamics" of the presentation, introduces the new art, Latypov, to demonstrate that the art of incorporating actual real-time people's movements into virtual space is old and well known. Abstract.

As per claim 27:

Sitrick'825 further discloses;

wherein the outputted content includes an interaction between the person image and the content. See at least Col. 21, lines 3-23.

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel L. Greene whose telephone number is 703-306-5539. The examiner can normally be reached on M-Thur. 8am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell can be reached on 703-305-9768. The fax phone

Art Unit: 3621

number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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3/9/2005